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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Johnny HERRERA, Defendant.	Mag. Case No.: **07MJ8917** **FINDINGS OF FACT AND ORDER REGARDING WAIVER OF DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention hearing was scheduled for November 14, 2007, to determine whether Johnny HERRERA should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant United States Attorney John F. Weis appeared on behalf of the United States. Court-appointed counsel Russell Sheridan Babcock appeared on behalf of the Defendant.

On November 14, 2007, the Defendant knowingly and voluntarily waived his right, on the record and through counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of the Defendant's right to later apply for bail and conditions of release, and without prejudice of a waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

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ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if convicted, sentencing in these matters.

IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentence or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to the Defendant's exercise of his right to bail and a detention hearing at a future date.

IT IS SO ORDERED.

DATED: 11-15-07.

PETER S. LEWIS
UNITED STATES MAGISTRATE JUDGE

Prepared by:

KAREN P. HEWITT
United States Attorney

John F. Weis
Assistant U. S. Attorney

cc: Russell Sheridan Babcock
Counsel for Defendant